

<p>Page 10</p> <p>1 F. Santana  2 Q. Which of those garages have you worked  3 at the most?  4 A. Bienvenido Parking. I am always at  5 that garage. I hardly ever move from there. Only  6 when I go to cover someone else on my off day.  7 Q. Did you ever work for a garage named  8 Nicholas Parking?  9 A. Nicholas -- which one is that? I also  10 worked at 14th Street. But I don't know the name.  11 I don't remember the name.  12 Q. When were you initially hired by the  13 defendant?  14 A. August 10, 2003.  15 Q. Did you work for any of the defendant  16 garages prior to August 10, 2003?  17 A. I don't remember. But that's the date  18 that I have most in mind.  19 Q. By which garage were you initially  20 hired?  21 A. 169 and Jerome Avenue. Next door to  22 the Bienvenido Parking which I work at now. But I  23 don't remember the name. That's where I started.  24 Q. How did you learn of the position?  25 A. I was looking for work. I passed by</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Page 11</p> <p>1 F. Santana  2 that garage. There was a sign that said they  3 needed workers. That's it.  4 Q. Did you know anyone that worked at the  5 garage prior to being hired?  6 A. No.  7 Q. For how long did you work at that  8 garage?  9 A. More or less one year.  10 Q. Did you work at any other garages  11 during that one year?  12 A. Yes, covering. Different parking lots.  13 Q. What were your hours when you first  14 started at the garage at 169 and Jerome?  15 A. Seven to seven. Twelve hours.  16 Q. Seven a.m. to seven p.m., or seven p.m.  17 or seven a.m.?  18 A. Seven p.m. to seven a.m. Always at  19 night.  20 Q. How many days a week did you work at  21 that garage?  22 A. Six days a week.  23 Q. Did you work 12 hours per day on each  24 of those days of the week?  25 A. 12 hours.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Page 12</p> <p>1 F. Santana  2 Q. For how long did you work 12 hours a  3 day, six days a week? For what period of time?  4 A. A long time. The whole time I worked  5 at that garage, I worked 12 hours. Except when I  6 worked my day off, they sent me to another parking  7 garage to cover.  8 Q. Was there ever a time when you worked  9 more than 12 hours a day, six days a week, other  10 than the times that you were covering elsewhere?  11 A. More than six days a week?  12 Q. Did you ever regularly work more than  13 six days a week, 12 hours a day, for the defendant  14 garages?  15 A. Regularly, no. But they always sent me  16 to different garages to cover.  17 Q. How often were you sent to another  18 garage to cover?  19 A. Many times.  20 Q. How many times?  21 A. Maybe 30 to 40 times, more or less.  22 Q. Since August 2003?  23 A. Every year about. Just talking about  24 that one year?  25 Q. Since August 2003. Since August 2003</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Page 13</p> <p>1 F. Santana  2 to present, how frequently did you work -- how  3 frequently did you cover other shifts?  4 A. Frequently when I was off, the  5 supervisor would call me and ask if I could cover  6 for someone else.  7 Q. Did you cover more than once a week?  8 A. No.  9 Q. Did you cover every week?  10 A. No.  11 Q. More than once a month?  12 A. It could be.  13 Q. Were you paid for the time that you  14 covered other shifts?  15 A. I always took home the same amount of  16 money whether I worked six days or seven. At the  17 time that I complained and told Raj about it, they  18 gave me a little extra.  19 Q. When did you complain to Raj?  20 A. Many times.  21 Q. When was the last time you complained  22 to him?  23 A. I don't remember.  24 Q. Have you complained to him about not  25 being paid for other shifts in the last year?  <p>TSG Reporting - Worldwide 877-702-9580</p> </p>

<p style="text-align: right;">Page 14</p> <p>1                   <b>F. Santana</b>  2   A. In this year, yes. I've worked up to  3   seven days at the garage that I'm working at.  4   When they need someone to park, the guys go to  5   Santo Domingo, or something like that, he has  6   asked me if I want to work seven days. I need the  7   money, so I've done it.  8   Q. Are you referring to the Bienvenido  9   Garage?  10   A. Yes.  11   Q. Are you paid for those hours when you  12   work seven days a week?  13    MR. FAILLACE: Objection. You  14   asked and he responded already.  15   Q. You can answer the question.  16    MR. FAILLACE: You can answer the  17   question again.  18    A. Yes. He gives me something once in a  19   while.  20   Q. Do you currently receive a paycheck  21   from your employer?  22    A. Of course I do.  23   Q. Does your paycheck indicate the number  24   of hours that you work?  25    A. Yes.</p>	<p style="text-align: right;">Page 15</p> <p>1                   <b>F. Santana</b>  2   Q. And does it accurately indicate the  3   number of hours that you work?  4    A. Yes.  5   Q. And are you paid for all those hours  6   that are indicated on that paycheck?  7    A. No. For the hours -- for the amount of  8   hours that I work, they do not pay them all. For  9   example, when I work seven days, he will give me a  10   little something extra.  11   Q. What do you mean he will give you a  12   little something extra?  13    A. 15, 20, 30, even \$40.  14   Q. In cash or in check?  15    A. Cash.  16   Q. What is your current hourly rate of  17   pay?  18    A. 7.15 an hour. Which is the minimum.  19   Q. And how many hours a week do you work?  20    A. Now?  21   Q. Yes.  22    A. 48 hours.  23   Q. And are you paid \$7.15 for each of  24   those 48 hours each week?  25    A. They pay me 40 hours at 7.15.</p>
<p style="text-align: right;">Page 16</p> <p>1                   <b>F. Santana</b>  2   Q. Are you paid for the other eight hours?  3    A. Yes.  4   Q. How much are you paid for the other  5   eight hours?  6    A. 10-something.  7   Q. So you're paid time and a half for each  8   of your hours above 40 hours a week?  9    A. Yes. Less the seventh day, when I work  10   seven days. That's what they pay me for six days  11   that I work.  12   Q. So are you paid for all the hours that  13   you work on those six days?  14    A. After the 10 hours that I'm supposed to  15   get one hour, they don't pay that either. Never  16   pay that.  17   Q. But for those hours you are paid?  18    A. That hour is supposed to be given to me  19   by law, yes.  20   Q. Is your current shift 10:30 p.m. to  21   6:30 a.m.?  22    A. 6:30 a.m., yes.  23   Q. Six days a week?  24    A. Six days a week, yes.  25   Q. How often do you work a seventh day in</p>	<p style="text-align: right;">Page 17</p> <p>1                   <b>F. Santana</b>  2   a week?  3    A. Many times.  4   Q. How many times did you work seven days  5   in a week this month?  6    A. This month that we are in now?  7   Q. Yes.  8    A. This month, I have not worked seven  9   days.  10   Q. Did you work seven days in any week in  11   October 2007?  12    A. I worked seven days, yes. About two  13   weeks -- for about two weeks. I don't remember  14   when it was in October. Maybe it was one or two  15   months ago.  16   Q. How many times in the last year do you  17   think you have worked seven days in a week?  18    A. I don't remember right now.  19   Q. Was it more than five?  20    A. Seven days, of course. I covered for  21   him for two weeks. If I wanted to work seven  22   days, they told me to work seven days.  23   Q. How many times did you work seven days  24   in the last year approximately?  25    A. Two weeks. In this year?</p>
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<p style="text-align: center;">Page 18</p> <p>1 F. Santana  2 Q. Yes.  3 A. Two weeks. Because in this year I  4 haven't been sent to cover anyone else. Well,  5 yes, once they sent me to 94th Street to cover.  6 Q. So three times you have worked a  7 seven-day week in the past year?  8 A. I went to cover at 94th Street three  9 times.  10 Q. In 2006, how many times did you work a  11 seven-day week?  12 A. Many times. I don't remember the  13 amount of times.  14 Q. More than three times?  15 A. Yes.  16 Q. Were those hours indicated on your  17 paycheck?  18 A. No.  19 Q. Were you paid for those hours?  20 A. He would give me a little something  21 whenever I asked him about it. And sometimes I've  22 worked the seven days, and he never -- I told him  23 about it. He never paid me that seventh day.  24 Q. Who is he?  25 A. Raj, the supervisor.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 19</p> <p>1 F. Santana  2 Q. Did you punch your time card when you  3 worked the seventh day?  4 A. No. Because the time card was at the  5 garage where I was assigned to. I would never  6 take it with me.  7 Q. Did you write your time down in any  8 sort of time sheet when you worked that seventh  9 day?  10 A. No, never.  11 Q. Did you tell anyone the number of hours  12 that you worked on that seventh day?  13 A. Raj the supervisor.  14 Q. When did you tell Raj the number of  15 hours that you worked on that seventh day?  16 A. When I worked it.  17 Q. Who was your supervisor when you first  18 started work in August 2003?  19 A. Raj.  20 Q. Have you had any other supervisor since  21 you started working in August 2003?  22 A. No.  23 Q. Do you currently have any other jobs?  24 A. No.  25 Q. Have you ever had any other job while  TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Page 20</p> <p>1 F. Santana  2 you worked for the defendant garages?  3 A. I had a temporary job for two months.  4 That's it.  5 Q. When did you have a temporary job?  6 A. January to March of this year.  7 Q. Where did you work?  8 A. Here in Manhattan. CVS. Building  9 maintenance.  10 Q. What were your hours at CVS?  11 A. Eight a.m. to five p.m.  12 Q. How many days a week did you work eight  13 a.m. to five p.m.?  14 A. Five days. Sometimes Saturday and  15 Sunday also.  16 Q. What was your hourly wage at CVS?  17 A. 15.60 an hour.  18 Q. Did you ever work more than 40 hours in  19 a week at CVS?  20 A. Of course.  21 Q. I'm sorry. Did you say your hourly  22 rate was 15.60?  23 A. Yes. That's what I was earning at CVS.  24 Q. How many other parking attendants work  25 with you on your 10:30 p.m. to 6:30 a.m. shift at  TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 21</p> <p>1 F. Santana  2 Bienvenido?  3 A. I work alone that shift. I am alone.  4 Q. Do you always punch a time card at the  5 beginning of your shift?  6 A. Of course I do.  7 Q. Do you punch a time card at the end of  8 your shift?  9 A. Except the times when the time cards  10 have finished at the garage. He has taken all the  11 time cards. And this has lasted sometimes two or  12 three days before he replaces it with new time  13 cards.  14 Q. Do you write your time down when the  15 time cards are not available?  16 A. I won't punch the clock because there's  17 no cards.  18 Q. How often are there no time cards to  19 punch?  20 A. It has happened many times. I couldn't  21 tell you how many times. Been many times.  22 Q. When was the last time it happened?  23 A. I don't remember right now, but it has  24 happened many times.  25 Q. Has it happened in the last month?  TSG Reporting - Worldwide 877-702-9580</p>